

## MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

HON. MARK E. FULLER, PRESIDING

AT MONTGOMERY, AL

DATE COMMENCED: 3/14/06

AT: 8:20 a.m.

DATE COMPLETED: 3/14/06

AT: 10:25 a.m.

UNITED STATES OF AMERICA

§

vs.

§

CR. NO. 2:05CR119-F

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DON EUGENE SIEGELMAN, ET AL.

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GOVERNMENT

APPEARANCES:

DEFENDANT

Louis V. Franklin, Sr.

James B. Perrine

Stephen P. Feaga

Joseph L. Fitzpatrick

Richard C. Pilger

Charles Redding Pitt - Siegelman

David Allen McDonald - Siegelman

Joe Carl Jordan - Siegelman

Vincent F. Kilborn - Siegelman

Hiram Eastland - Siegelman

Arthur W. Leach - Scrushy

Frederick G. Helmsing, Sr. - Scrushy

Leslie Vernon Moore - Scrushy

Terry Lucas Butts - Scrushy

Samuel J. Briskman - Roberts

Stewart D. McKnight, III. - Roberts

Michel Nicrosi - Hamrick

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COURT OFFICIALS PRESENT:

Meredyth Cohen, Law Clerk

Kelli Gregg, Courtroom Clerk

Jimmy Dickens, Court Reporter

Barbara Wells, Law Clerk

Corrie Long, Law Clerk

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COURTROOM PROCEEDINGS:

**( X ) Status Conference**

8:20 a.m. - Court convenes.

Court discusses several trial procedures with counsel and the plans for the proposed jury questionnaires. When questionnaires are returned the court will enter an order. The questionnaires will not contain names, addresses,

etc. and will be about 35 people per panel for jury selection procedures. Defense counsel will have 15 minutes for follow up questions and the government will get 30 minutes. Court will partially sequester this jury panel. There will be 18 jurors.

There are no objections from the government regarding partial sequestering of the jury panel.

There are no objections from defense counsel regarding partial sequestering of the jury panel.

There will be no reserved seating for the trial. No person will be allowed to enter or leave the courtroom during testimony.

Government believes the trial will take no more than two weeks to try.

The Court will strictly enforce that counsel who examines a witness will be done by that attorney and will handle objections for that witness by same attorney.

Counsel for defendant Scrushy apposes the Court's procedures for questioning witnesses.

Counsel Leach thinks 1 week to try this case.

Attorney McKnight thinks 2 to 3 days to try the case.

Attorney Nicrosi thinks 2 to 3 days to try the case.

Court discusses the procedures for selecting a jury panel.

Counsel for Siegelman, Roberts and Hamrick do not object to the procedures for selecting a jury.

Counsel for Scrushy objects to the procedures for selecting a jury.

Defendant Scrushy would prefer to strike the jury after all panels have been voir dired.

Court will take parties objections into consideration and will enter an order as to how it will select the jury panel for this case.

Counsel should get with the Court's automation staff regarding their computer equipment they plan on using for trial.

Court discusses the way counsel will be making objections during trial.

Court will add that any additions to the scheduling order that motions or any responses be accompanied with any briefs.

Each questionnaire will be in pdf format for counsel and will be 15 to 20 pages long. Counsel can pick this up in CD format from the Clerk of Court.

Counsel object to the jury panel members being reflected only by number and not by name and the panel being anonymous.

The order in which evidence will be presented is in the order that the defendants are listed on the indictment. All exhibits are to be pre-marked.

Counsel should have a face to face conference by April 14<sup>th</sup> and try to make stipulations among each other regarding exhibits.

April 18<sup>th</sup> objections to exhibits are due, April 21<sup>st</sup> responses to exhibits are due, witness and exhibit lists are due by April 28<sup>th</sup> to the Court.

Court makes note of the following pending motions; 125 and 126 Motions for Bill of Particulars, 127 Motion to Dismiss, 129 Motion for Daubert

Hearing, 139 Motion to Dismiss which corresponds to 126, 142 Motion for Bill of Particulars.

Defense counsel for defendant Roberts argues their position regarding their Motion to Dismiss (doc. 127) and several elements within that motion.

Defense counsel for defendant Siegelman argues their position regarding their Motions to Dismiss.

Government responds to defendant Siegelman's motion to dismiss.

Counsel for Roberts responds to motion to dismiss arguments.

Court will take these arguments under advisement and enter an order.

Court will reserve ruling on defendant Scrushy's motion to dismiss.

Defendant Scrushy objects to the form of the government's proposed questionnaires.

10:25 a.m. - Court is in recess.